

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MARK DAVID McCARTY, #421073	§	
VS.	§	CIVIL ACTION NO. 9:05cv45
		CONSOLIDATED WITH
DIRECTOR, TDCJ-CID	§	CIVIL ACTION NO. 9:05cv67

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus concerning prison disciplinary cases should be denied. The petitioner has filed objections.


The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner thereto, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and that the objections by the Petitioner are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. It is further

ORDERED that to the extent that the facts of the case give rise to a possible civil rights lawsuit, such claims are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

SIGNED this the **8** day of **September, 2005**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge